

## Notice of Allowability

Application No.

09/991,863

Examiner

Zandra V. Smith

Applicant(s)

GORDON, JOHN FRANCIS

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 07 March 2005.
2. ☒ The allowed claim(s) is/are 14-36 and 39-52.
3. ☒ The drawings filed on 16 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 03/07/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

Art Unit: 2877

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Drew Hamilton on 29 April 2005.

The application has been amended as follows:

Claim 23 has been amended as follows:

23. (Currently amended) The method of any one of claims 14 or [21] 18 wherein said first optical detector reads reflected light modulated by said encoded information on said optical disc.

### *Allowable Subject Matter*

Claims 14-36 and 39-52 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art of record, taken alone or in combination, fails to disclose or render obvious a method of conducting an optical inspection of a specimen in association with an optical disk that includes positioning one detector on one side of the disc and two detectors on the other side of the disc as shown in claim 14, in combination with the rest of the limitations of claims 14, 28, and 46.

As to claim 18, the prior art of record, taken alone or in combination, fails to disclose or render obvious a method of conducting an optical inspection of a specimen in association with an optical disk that includes separately measuring a first output from a first optical detector and a

Art Unit: 2877

second output from a second optical detector and comparing the first and second outputs to produce a ratio, in combination with the rest of the limitations of claim 18.

Regarding claim 22, the prior art of record, taken alone or in combination, fails to disclose or render obvious a method of conducting an optical inspection of a specimen in association with an optical disk that includes providing a first optical detector located in operable proximity to one side of the optical disc, a second optical detector, and a third optical detector, wherein the second and third optical detectors are located in operable proximity to opposite side of said optical disc relative to said first detector and providing optically readable encoded information in association with said optical disc, in combination with the rest of the limitations of claim 22.

As to claim 36, the prior art of record, taken alone or in combination, fails to disclose or render obvious a method of conducting an optical inspection of a specimen in association with an optical disk that includes providing encoded information in a partially light-reflective and partially light-transmissive layer within the optical disc, in combination with the rest of the limitations of claim 36.

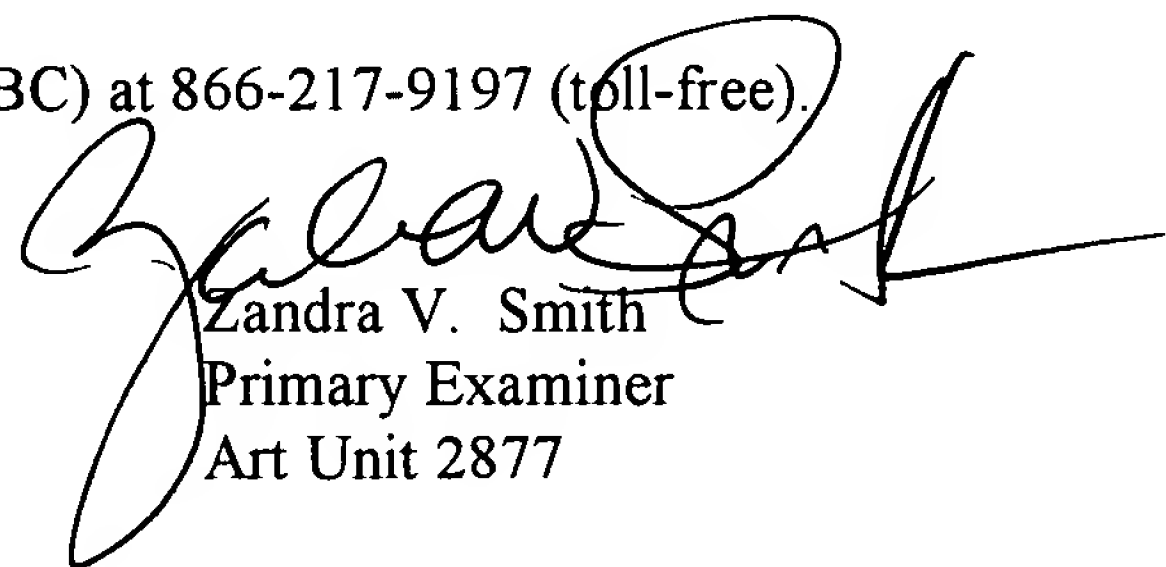
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Fax/Telephone Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zandra V. Smith whose telephone number is (571) 272-2429. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Zandra V. Smith  
Primary Examiner  
Art Unit 2877

April 29, 2005